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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR     | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|--|-------------|--------------------------|------------------------------|------------------|
| 10/563,187   | 12/30/2005  | Christopher G. de Janasz | 1043-005                     | 5857             |
| 7590   | 06/29/2006  |                          | EXAMINER<br>LE, NANCY LOAN T |                  |
| Michael N Haynes<br>1341 Huntersfield Close<br>Keswick, VA 22947 |             |                          | ART UNIT                     | PAPER NUMBER     |
|  |             |                          | 3621                         |                  |

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/563,187 | <b>Applicant(s)</b><br>DE JANASZ, CHRISTOPHER G. |  |
|                              | <b>Examiner</b><br>NANCY LOAN T. LE  | <b>Art Unit</b><br>3621                          |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Status of Claims***

Claims 1-33 have been examined.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. §112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

Claims 1, 14, 15, and 21-28 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite conditional language "*if*" without sufficiently providing one of ordinary skill instructions for proceeding in the event at least one of the "*if*" conditions fail, i.e., the claims are silent regarding what will be done (as "**the 'if not' occurs**"), hence giving the claims their broadest reasonable interpretation, i.e., they have been examined as if "**the 'if not' occurs**", and a reasonable alternative is ("**do nothing**", or "**perform the next steps**").

Note also that this rationale applies to subsequent claims that depend from this initial conditional statement, and/or contain a conditional limitation as language. Therefore, claims 2-13, 16-33 are also rejected under 35 U.S.C. §112, second paragraph for the same reason above as they depend from those above-mentioned rejected independent claims 1, 14 and 15.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

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Claims 1-6, 9-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,819,234 to Slavin et al. in view of US Patent No. 6,856,820 B1 to Kolls et al., further in view of US 6,339,384 B1 to Valdes-Rodriguez, and further in view of U.S. Patent No. 7,044,622 B2 to Marshall.

As per **claim 1**, Slavin et al. disclose a method comprising:

- receiving a signal from a <...> non-telephonic wireless transmitter fixedly attached to a vehicle, the signal comprising an <...> unique identifier (i.e., transponder tag ID), the unique identifier not comprising a financial account number or a user-provided PIN, <...>, the signal requesting approval of a proposed transaction, fulfillment of the proposed transaction not involving the transmitter (col. 1 lines 32-40, col. 9 lines 49-51);
- transmitting the <...> unique identifier to a central processor adapted to approve the proposed transaction if at least the unique identifier is associated with a valid financial account (col. 1 lines 32-40, col. 9 lines 49-56); and
- receiving an approval from the central processor to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (col. 9 lines 49-63).

Slavin et al. is silent about:

- the signal is from a '**vehicle-powered**' non-telephonic wireless transmitter/transponder,
- the unique identifier in the transmitted signal is '**encrypted**',
- the signal transmitted responsive to "**a predetermined input from a user** {claim 1},  
**wherein such an input comprises a predetermined number of headlight high beam switch activations within a predetermined time interval**" {claim 6}.

Kolls et al., however, suggests a signal transmitted from a '**vehicle-powered**' non-telephonic wireless transmitter/transponder (i.e., ... from 'an in-vehicle device 200') -- col. 6 line 55 - col. 7 line 3, col. 7 lines 22-37, Fig. 1E) to utilize a secure, uninterrupted, long-lasting power connection to the vehicle's battery.

Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify a method for transmitting a signal from a non-telephonic wireless transmitter/transponder

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as disclosed by Slavin et al. to include the aspect of a signal is from a '**vehicle-powered**' non-telephonic wireless transmitter/transponder, as suggested by Kolls et al. to utilize a secure, uninterrupted, long-lasting power connection to the vehicle's battery.

Neither Slavin et al. nor Kolls et al. nor the combinations thereof suggests the unique identifier in the transmitted signal is '**encrypted**'.

Valdes-Rodriguez, however, suggests a unique identifier (i.e., code signals) in the transmitted signal is '**encrypted**' (col. 4 lines 23-25) to obscure information to make it unreadable without special knowledge or authorization, in other words, to ensure secrecy during transmission.

Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify a method for transmitting a signal from a '**vehicle-powered**' non-telephonic wireless transmitter/transponder as suggested by Slavin et al. in view of Kolls et al. to include the aspect of an '**encrypted**' unique identifier in the transmitted signal as taught by Valdes-Rodriguez to ensure secrecy of information or data during transmission.

None of the Slavin et al., Kolls et al., and Valdes-Rodriguez references nor the combinations thereof suggests the signal transmitted responsive to "**a predetermined input from a user** {claim 1}, **wherein such an input comprises a predetermined number of headlight high beam switch activations within a predetermined time interval**" {claim 6}.

Marshall, however, suggests the signal transmitted responsive to "**a predetermined input from a user** {claim 1}, **wherein such an input comprises a predetermined number of headlight high beam switch activations within a predetermined time interval**" {claim 6} (col. 3 lines 43-63) to activate a transmitter and get it ready to transmit signal/data to a receiver.

Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify a method for transmitting a signal from a '**vehicle-powered**' non-telephonic wireless transmitter/transponder as suggested by Slavin et al. in view of Kolls et al. further in view of Valdes-Rodriguez to include the aspect of the signal transmitted responsive to "**a predetermined input from a user** {claim 1}, **wherein such an input comprises a predetermined number of headlight high beam**

***switch activations within a predetermined time interval***" {claim 6} as suggested by Marshall to activate a transmitter and get it ready to transmit signal/data to a receiver.

As per **claim 2**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, further comprising transmitting a request for approval of the proposed transaction (Slavin et al., col. 9 lines 49-51).

As per **claims 3-5**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, further comprising receiving an acknowledgment of fulfillment of the proposed transaction {to the transmitter/user} (Slavin et al., col. 9 lines 59-63).

As per **claim 9**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, further comprising polling for the signal (Valdes-Rodriguez, col. 4 lines 27-30).

As per **claim 10**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, wherein the proposed transaction comprises provision of access to a physical location (i.e., access to parking garages -- Slavin et al., col. 10 lines 35-39).

As per **claim 11**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, wherein the proposed transaction comprises provision of a product (i.e., collecting various fees such as parking -- Slavin et al., col. 10 lines 35-39).

As per **claim 12**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, wherein the proposed transaction comprises provision of a service (i.e., car wash -- Slavin et al., col. 10 lines 35-39).

As per **claim 13**, Slavin v. Kolls v. Valdes-Rodriguez v. Marshall disclose the method of claim 1, wherein encryption of the unique identifier utilizes a code-hopping technique (Valdes-Rodriguez, col. 4 lines 23-40).

As per **claim 14**, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose a system comprising:

- an input processor adapted to receive a signal from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the signal comprising an encrypted unique identifier, the encrypted unique identifier not comprising a financial account number or a user-provided

- PIN, the signal transmitted responsive to a predetermined input from a user, the signal requesting approval of a proposed transaction, fulfillment of the proposed transaction not involving the transmitter (i.e., a built-in/'inherently included' *central processing unit {CPU}*, or sometimes simply *processor* in the toll plaza computer(s) 32 of the electronic toll collection system – Slavin et al., col. 9 line 49. The CPUs/processors, which are old and well-known in the art, interpret *instructions* and processes *data* contained in computer programs, provide the fundamental digital computer trait of *programmability*, and are one of the necessary components found in computers of any era, along with *primary storage* and *input/output* facilities. Also please see claim 1 for further citation);
- an output processor adapted to transmit the encrypted unique identifier to a central processor adapted to approve the proposed transaction if at least the unique identifier is associated with a valid financial account (i.e., a built-in/'inherently included' *central processing unit {CPU}*, or sometimes simply *processor* in the toll plaza computer(s) 32 of the electronic toll collection system – Slavin et al., col. 9 line 49. The CPUs/processors, which are old and well-known in the art, interpret *instructions* and processes *data* contained in computer programs, provide the fundamental digital computer trait of *programmability*, and are one of the necessary components found in computers of any era, along with *primary storage* and *input/output* facilities. Also please see claim 1 for further citation); and
  - an approval processor adapted to receive an approval from the central processor to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (i.e., a built-in/'inherently included' *central processing unit {CPU}*, or sometimes simply *processor* in the toll plaza computer(s) 32 of the electronic toll collection system – Slavin et al., col. 9 line 49. The CPUs/processors, which are old and well-known in the art, interpret *instructions* and processes *data* contained in computer programs, provide the fundamental digital computer trait of *programmability*, and are one of the necessary components found in computers of any era, along with *primary storage* and *input/output* facilities. Also please see claim 1 for further citation).

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As per **claim 15**, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose a method comprising:

- at a central processor (i.e., a built-in/'inherently included' *central processing unit* {CPU}, or sometimes simply *processor* in a remote, centrally located computer of the E-ZPass electronic toll collection system 40 – Slavin et al., col. 1 lines 27-31, col. 5 lines 55-60), receiving information originating from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, the information comprising an encrypted unique identifier, the encrypted unique identifier not comprising a financial account number or a user-provided PIN, the information provided from the wireless transmitter responsive to a predetermined input from a user, the information requesting approval of a proposed transaction, fulfillment of the proposed transaction not involving the wireless transmitter (also, see claim 1 for further citation); and
- if at least the unique identifier is associated with a valid financial account automatically transmitting an approval to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (see claim 1 for citation).

As per **claims 16 and 18**, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising 'obtaining an approval of/approving the proposed transaction (Slavin et al., col. 9 lines 59-63).

As per **claim 17**, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising storing an approval of the proposed transaction (i.e., a toll is recorded/stored – Slavin et al., col. 9 lines 50, 51).

As per **claims 19-24**, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising obtaining/transmitting a rejection of the proposed transaction {if the proposed transaction exceeds a predetermined amount for a predetermined counter-party} (col. 10 lines 5-13).



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As per claims 25 and 26, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising transmitting a rejection of the proposed transaction if a counter-party to the proposed transaction is a predetermined restricted counter-party (The Office interprets a restricted counter-party and restricted subject matter are motorist(s) {i.e., restricted counter-party} who has/have negative balance, i.e., who has no money left and further owes money, in his/her account against which the toll is charged/debited {i.e., restricted subject matter} – Slavin et al., col. 10 lines 5-13).

As per claims 27 and 28, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising transmitting a rejection of the proposed transaction if a time of the proposed transaction is a predetermined restricted time/date (Slavin et al., col. 10 lines 31-33. The Office interprets the toll system implicitly rejects the proposed transactions, i.e., toll charges generated from the same transponder within a given time period at geographically remote toll plazas).

As per claim 29, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising decrypting the encrypted unique identifier (col. 4 lines 27-32).

As per claim 30, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising causing a comparison of the unique identifier with a list of unique identifiers associated with valid financial accounts (i.e., The comparison/validation process includes testing whether the tag number/ID is valid, i.e., comparing/validating the transmitted tag number/ID with {a list of unique tag numbers/IDs}, and thereafter the corresponding financial account is accessed/located – Slavin et al., col. 9 lines 55-56, 50-51, col. 5 lines 49-52).

As per claim 31, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, transmitting instructions requesting a transfer of funds associated with the valid financial account responsive to the approval (col. 5 lines 53-54).

As per claim 32, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising storing a rejection of the proposed transaction (i.e., Moreover, the video camera 37 ... can be used to store images of the plate number and other vehicle data ... -- Slavin et al., col. 10 lines 8-11).

As per claim 33, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose the method of claim 15, further comprising reporting a rejection of the proposed transaction (i.e., ... and a violation enforcement procedure may be initiated/reported ... -- Slavin et al., col. 10 lines 8-13).

Claims 7 and 8 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,819,234 to Slavin et al. in view of US Patent No. 6,856,820 B1 to Kolls et al., in view of US 6,339,384 B1 to Valdes-Rodriguez, in view of U.S. Patent No. 7,044,622 B2 to Marshall and further in view of U.S. Patent No. 5,101,200 to Swett.

As per claims 7 and 8, Slavin et al. v. Kolls et al. v. Valdes-Rodriguez v. Marshall disclose a method/system for transmitting a signal from a vehicle-powered non-telephonic wireless transmitter/transponder and requesting approval of a proposed transaction (see claim 1 for details).

None of the Slavin et al., Kolls et al., Valdes-Rodriguez and Marshall references nor the combinations thereof suggests the method of claim 1, further comprising requesting and receiving, respectively, a PIN from the user.

Swett, however, suggests a method for transmitting a signal from a vehicle-powered non-telephonic wireless transmitter fixedly attached to a vehicle, and requesting approval of a proposed transaction further comprising requesting and receiving (i.e., inputting), respectively, a PIN from the user (col. 13 lines 55-56, col. 15 lines 58-59) to confirm the user's identity to a system from which the user requesting approval of the proposed transaction.

Therefore, it would have been obvious to an ordinary skill in the art at the time the invention was made to modify a method for transmitting a signal from a vehicle-powered non-telephonic wireless transmitter/transponder as suggested by Slavin et al. in view of Kolls et al. in view of Valdes-Rodriguez and further in view of Marshall to include the aspect of "*requesting and receiving (i.e., inputting), respectively, a PIN from the user*" as suggested by Swett to confirm the user's identity to a system from which the user requesting approval of the proposed transaction.

### **Conclusion**

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the

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teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY LOAN T. LE whose telephone number is **(571) 272-7066**. The examiner can normally be reached on Monday-Thursday, 7am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES P. TRAMMELL can be reached on **(571) 272-6712**.

***For official/regular communication***, the fax number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

***For informal/draft communication***, the fax number is **(571) 273-7066 (Rightfax)**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197 (toll-free)**.

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NL

26 June 2006

*Blaine L. L. L.*  
**PRIMARY EXAMINER**